

### **REMARKS**

Reconsideration and allowance of the subject application are respectfully requested. Applicants thank the Examiner for total consideration given the present application. Claims 1-39 are pending prior to the Office Action. No claims have been added and no claims have been canceled through this reply. Therefore, claims 1-39 are pending. Claims 1, 5, 23, 25, 32, 36, and 38 are independent. Applicants respectfully request reconsideration of the rejected claims in light of the remarks presented herein, and earnestly seek timely allowance of all pending claims.

### **OFFICIAL ACTION**

#### **Claim Rejection - 35 U.S.C. § 102(e)**

Claims 1, 5, 17-19, 21, 28, 32-33 and 36-38 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated over Dureau (U.S. Publication No. 2003/0135860 A1). Applicants respectfully traverse this rejection.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02*. Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, Dureau fails to teach or suggest each and every claimed element.

Dureau discloses a system (figure 1) including a client receiver configured to act as a proxy receiver (figure 1 element 12) for other receiving devices (figure 1 elements 30A-D). The proxy receiver is configured to receive content from broadcast station (figure 1 element 16) or other sources (figure 1 element 18 and 19), which is received in a format not compatible with the receiving devices. The proxy receiver is further configured to transcode and process the received content in a manner which makes the content compatible and receivable by receiving devices, and convey the processed content to a receiving device (paragraph 28). Thus, the proxy receiver reformats the data every time for each receiving device.

The present invention identifies the data communication function and the data transmission apparatus is brought into a state communicable with the data reception apparatus. Thus, the need of Dureau's proxy receiver continuous reformatting is not necessary.

**Claim 1 features not taught by Dureau:**

Independent claim 1 recites, *inter alia*, "wherein, based on an occasion the data communication functions used to perform data communication with the data reception apparatus does exist in the individual compatibility information storage, the data transmission apparatus performs function changing to suit the data communication functions used to perform data communication with the data reception apparatus and on completion of the function changing, transmits a function change completion signal to the data reception apparatus indicating the function changing is complete and transmission of data is possible." Applicants respectfully traverse this rejection.

Dureau does not teach or suggest that based on an occasion the data communication functions used to perform data communication with the data reception apparatus does exist in the individual compatibility information storage, the data transmission apparatus performs function changing to suit data communication functions used to perform data communication with the data reception apparatus and on completion of the function changing, transmits a function change completion signal to the data reception apparatus indicating the function changing is complete and transmission of data is possible.

**Claim 5 features not taught by Dureau:**

Independent claim 5 recites, *inter alia*, "a decryption section to decrypt data received from the data reception apparatus... and wherein, based on an occasion the data transmission apparatus receives a high-frequency signal which is not encrypted from the data reception apparatus, the high-frequency signal is converted to a data packet and the decryption section confirms that the data packet was not encrypted and does not subject the data packet to decryption, and wherein the data packet is analyzed by the data analyzer to identify the data communication functions." Applicants respectfully traverse this rejection.

Dureau does not teach or suggest a decryption section to decrypt data received from the data reception apparatus and wherein, based on an occasion the data transmission apparatus receives a high-frequency signal which is not encrypted from the data reception apparatus, the high-frequency signal is converted to a data packet and the decryption section confirms that the data packet was not encrypted and does not subject the data packet to decryption, and wherein the data packet is analyzed by the data analyzer to identify the data communication functions.

**Claim 32 features not taught by Dureau:**

Independent claim 32 recites, *inter alia*, “wherein, when a first identifier is received by the data analyzer, and the first identifier is one of the at least two identifiers stored in the first function identification table, the data transmission apparatus uses the protocol associated with the first identifier to transmit data directly to data receiving apparatus using the protocol that conforms to the protocol of the data receiving apparatus.” *Emphasis added.* Applicants respectfully traverse this rejection.

Dureau does not teach or suggest a data transmission apparatus uses the protocol associated with the first identifier to transmit data directly to data receiving apparatus using the protocol that conforms to the protocol of the data receiving apparatus.

**Claim 36 features not taught by Dureau:**

Independent claim 36 recites, *inter alia*, “an encryption section to encrypt data to be transmitted to the data transmission apparatus... and a specific data storage in which is stored a code indicative of a data communication protocol used by the data reception apparatus, said data storage code being transmitted without being encrypted by the encryption section to the data transmission apparatus by the transmitter/receiver.” *Emphasis added.* Applicants respectfully traverse this rejection.

Dureau does not teach or suggest an encryption section to encrypt data to be transmitted to the data transmission apparatus and a specific data storage in which is stored a code indicative of a data communication protocol used by the data reception apparatus, said data storage code

being transmitted without being encrypted by the encryption section to the data transmission apparatus by the transmitter/receiver.

**Claim 38 features not taught by Dureau:**

Independent claim 38 recites, *inter alia*, “based on an occasion that the first identifier is stored in the first function identification table, causing the data transmission apparatus to transmit data using the data communication protocol associated with the first identifier in order for the data receiving apparatus to directly receive data from the data transmission apparatus that conforms to the data communication protocol of the data receiving apparatus.” *Emphasis added.* Applicants respectfully traverse this rejection.

Dureau does not teach or suggest the data receiving apparatus to directly receive data from the data transmission apparatus that conforms to the data communication protocol of the data receiving apparatus.

**Claim Rejection - 35 U.S.C. § 103(a)**

Claims 23, 25-27, and 29-30 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Dureau in view of Ludtke et al. (U.S. Patent 6,233,611 B1). Applicants respectfully traverse this rejection.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142*. One requirement to establish a *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

**Claim 23 features not taught:**

Independent claim 23 recites, *inter alia*, “wherein the specific data read out from the specific data storage is transmitted from the transmitter/receiver to the data transmission apparatus so that a data communication function compatible with the data receiving apparatus is identified and brought into effect in the data transmission apparatus so that the data transmission

apparatus is brought into a state communicable with the data reception apparatus in order for the data receiving apparatus to directly receive data from the data transmission apparatus that conforms to the data communication functions used to perform data communication with the data reception apparatus.” *Emphasis added.* Applicant respectfully traverses this rejection.

Neither Dureau nor Ludtke teach or suggest wherein the specific data read out from the specific data storage is transmitted from the transmitter/receiver to the data transmission apparatus so that a data communication function compatible with the data receiving apparatus is identified and brought into effect in the data transmission apparatus so that the data transmission apparatus is brought into a state communicable with the data reception apparatus in order for the data receiving apparatus to directly receive data from the data transmission apparatus that conforms to the data communication functions used to perform data communication with the data reception apparatus.

**Claim 25 features not taught:**

Independent claim 25 recites, *inter alia*, “an encryption section... and wherein the function data read out from the specific data storage is transmitted from the transmitter/receiver without being encrypted by the encryption section to the data transmission apparatus so that the data communication function compatible with the data receiving apparatus is identified and brought into effect in the data transmission apparatus so that the data transmission apparatus is brought into a state communicable with the data reception apparatus.” *Emphasis added.* Applicant respectfully traverses this rejection.

Neither Dureau nor Ludtke teach or suggest an encryption section and wherein the function data read out from the specific data storage is transmitted from the transmitter/receiver without being encrypted by the encryption section to the data transmission apparatus so that the data communication function compatible with the data receiving apparatus is identified and brought into effect in the data transmission apparatus so that the data transmission apparatus is brought into a state communicable with the data reception apparatus.

**Claim Rejection - 35 U.S.C. § 103(a)**

Claims 2-3, 6-7, 9-10, 31, 34-35 and 39 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Dureau in view of Ludtke et al. (U.S. Patent 6,421,069 B1). Claims 12-16, 20 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Dureau in view of Lai et al. (U.S. Patent 6,407,680 B1). Claim 22 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Dureau in view of Kamiya et al. (U.S. Patent 6,144,887). Claims 4, 8, and 11 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Dureau et al. in view of Ludtke in further view of Kamiya. Claim 24 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Dureau in view of Ludtke in further view of Lai.

Dependant claims 2-4, 12-22, 28, and 31 are allowable for the deficiencies of the Dureau reference for independent claim 1 as set forth above. Dependant claims 6-11 are allowable for the deficiencies of the Dureau reference for independent claim 5 as set forth above. Dependant claims 33-35 are allowable for the deficiencies of the Dureau reference for independent claim 32 as set forth above. Dependant claim 37 is allowable for the deficiencies of the Dureau reference for independent claim 36 as set forth above. Dependant claim 39 is allowable for the deficiencies of the Dureau reference for independent claim 38 as set forth above.

Claim 24 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Dureau in view of Ludtke in further view of Lai. Claims 26-27 and 29-30 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Dureau in view of Ludtke et al. (U.S. Patent 6,233,611 B1).

Dependant claims 24 and 29 are allowable for the deficiencies of the Dureau and Ludtke references for independent claim 23 as set forth above. Dependant claims 26-27 and 30 are allowable for the deficiencies of the Dureau and Ludtke references for independent claim 25 as set forth above.

**CONCLUSION**

Therefore, for at least these reasons, all claims are believed to be distinguishable over the combination of Dureau and Ludtke, individually or in any combination. Therefore, claims 1-39 are distinguishable over the cited references.

In view of the above amendments and remarks, Applicants believe the pending application is in condition for allowance.

Applicants respectfully request that the claims 1-39 be allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned, at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By

Charles Gorenstein

Registration No.: 29,271

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant